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COURT OF APPEALS
STATE OF WASHINGTON
FILED
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NO. 57411-6-1

COURT OF APPEALS FOR DIVISION I
STATE OF WASHINGTON

78652-4

DAVID J. JENKINS,

Respondent,

v.

DEPARTMENT OF SOCIAL AND
HEALTH SERVICES,

Appellant.

MOTION TO INCLUDE
ILLUSTRATIVE
EXHIBITS IN
APPENDIX TO BRIEF

1. Identity of Moving Party

Appellant, the Department of Social and Health Services (the Department or DSHS), asks for the relief designated in Part 2.

2. Statement of Relief Sought

Permission, pursuant to RAP 10.3(a)(7), to include in the Appendix to Appellant's brief documents illustrating how the administrative regulation that is at issue in this case operates with respect to hypothetical clients.

3. Facts Relevant To The Motion

This case involves a challenge to administrative regulations of the Department. The trial court declared these regulation invalid as applied to

Respondent. To help explain both the context of the appeal and why the trial court's ruling was incorrect, the Brief of Appellant includes a discussion of how one of the rules at issue would operate with respect to hypothetical clients receiving public assistance benefits from the Department under programs to which the rule applies. The hypothetical examples are based on the rule itself, will supplement Appellant's arguments, and do not constitute new evidence.

4. Grounds for Relief and Argument

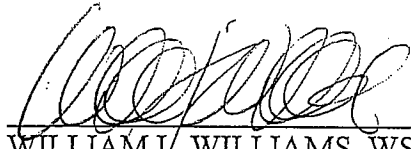
This case involves a challenge to a rules promulgated by the Department, one of which provides how the level of public assistance benefits for applicants and clients in various circumstances is determined. An understanding of the rule at issue and how it operates will enhance the Court's ability to resolve the issues involved in the appeal. Accordingly, the Brief of the Appellant describes the operation of the rule with respect to hypothetical clients, and Appellant has prepared illustrative exhibits with respect to each of these hypothetical clients.

These illustrative examples are technically "materials not contained in the record on review" (RAP 10.3(a)(7)), although they are based on the administrative regulation at issue and do not constitute new evidence. Inclusion of these illustrative exhibits will not prejudice the rights of the Respondent.

5. Conclusion

For the reasons stated, Appellant requests permission to include the four illustrative examples in the Appendix to the Brief of Appellant.

RESPECTFULLY SUBMITTED this 23rd day of January, 2006.



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